



Docket No.: J2167.0221/P221

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas Mackay et al.

Application No.: 09/631,810

Confirmation No.: 9141

Filed: August 3, 2000

Art Unit: 3624

For: WORKFLOW MANAGEMENT SYSTEM
AND METHOD

Examiner: G. R. Akers

COMMUNICATION -- REQUEST TO RESTART TIME FOR REPLY

U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

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Dear Sir:

Applicants request that the time to reply to the Final Office Action mailed February 18, 2004, be restarted so that the period to reply begins March 12, 2004. M.P.E.P. § 710.06 explicitly recites:

Where the citation of a reference is incorrect or an Office action contains some other defect and this error is called to the attention of the Office within 1 month of the mail date of the action, the Office will restart the previously set period for reply to run from the date the error is corrected, if requested to do so by applicant. If the error is brought to the attention of the Office within the period for reply set in the Office action but more than 1 month after the date of the Office action, the Office will set a new period for reply, if requested to do so by the applicant, to substantially equal the

time remaining in the reply period. For example, if the error is brought to the attention of the Office 5 weeks after mailing the action, then the Office would set a new 2-month period for reply. The new period for reply must be at least 1 month and would run from the date the error is corrected. See MPEP § 707.05(g)(g) for the manner of correcting the record where there has been an erroneous citation.

Where for any reason it becomes necessary to remail any action (MPEP § 707.13), the action should be correspondingly redated, as it is the remailing date that establishes the beginning of the period for reply. *Ex parte Gourtoff*, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

A supplementary action after a rejection explaining the references more explicitly or giving the reasons more fully, even though no further references are cited, establishes a new date from which the statutory period runs.

See, M.P.E.P. § 710.06 (emphasis added.)

The Office Action mailed on February 18, 2004, failed to include the FDIC reference listed on the PTO-892 form. Applicants' representative pointed this out to the Examiner during a telephonic interview on March 12, 2004, within one month of the mailing of the Action. Because Applicants' representative informed the Office of the defect in the Office Action within one month of the mailing date, the Office, according to the Rules set forth in M.P.E.P. 710.06, will restart the previously set period for reply to run from the date error is corrected.

The defect was corrected on March 12, 2004. As such, Applicants request that the new period to respond begin on March 12, 2004. Therefore, Applicants request that the date for response be restarted from the date the defect in the Office Action was corrected.

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In view of the above, Applicants request a revised Office Action noting the revised mail date. If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

Dated: March 17, 2004

Respectfully submitted,

By 

Ian R. Blum

Registration No.: 42,336

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas - 41st Floor
New York, New York 10036-2714
(212) 835-1400
Attorneys for Applicant

IRB/mgs